

**AMENDMENTS TO THE CLAIMS**

Please re-write claims 1, 10, 42, 58-59, 62, and 68-93 as follows:

1. (Currently Amended) A method for conferring fungal resistance on ~~protecting a plant from pathogen attack~~, comprising the steps of:

- (a) ~~identifying providing a plant transformed with a chimeric gene comprising a promoter active in plants operatively linked to a nucleotide sequence encoding a plant immunomodulating protein involved in the signal transduction cascade leading to systemic acquired resistance in plants that gives rise to a consitutive immunity phenotype and is capable of conferring synergistic fungal resistance when used in combination with one of (RS)-N-(2,6-dimethylphenyl-N-(methoxyacetyl)-alanine methyl ester ("metalaxyl", "ridomil"), ethyl hydrogen phosphonate ("fosetyl"), copper hydroxide or BTH, wherein the complement of said nucleotide sequence hybridizes under the following conditions to the coding sequence set forth in SEQ ID NO:6: hybridization in 1% BSA; 520mM NaPO<sub>4</sub>, pH7.2; 7% lauryl sulfate, sodium salt; 1mM EDTA; 250 mM sodium chloride at 55°C for 18-24h, and wash three times in 6XSSC for 15 min. at 55°C(X3) and one time in 3XSSC for 15 min. (X1) at 55°C, wherein said plant exhibits a first level of disease resistance; and~~
- (b) transforming a plant with a chimeric gene comprising a promoter active in plants operatively linked to the nucleotide sequence identified in (a), wherein said plant exhibits a first level of fungal resistance; and
- (c) applying to the transformed plant ~~provided in of~~ step (ab) a microbicide that confers a second level of disease-fungal resistance;

whereby application of said microbicide to said plant confers a synergistically enhanced third level of disease-fungal resistance that is greater than the sum of the first and second levels of disease-fungal resistance.

8. (Canceled)

10. (Currently Amended) ~~A~~The method according to claim 1, wherein said nucleotide sequence comprises the coding sequence set forth in SEQ ID NO:6.

42. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is a fungicide selected from the following group:

4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)acryloyl]morpholine ("dimethomorph");  
5-methyl-1,2,4-triazolo[3,4-b][1,3]benzothiazole ("tricyclazole");  
3-allyloxy-1,2-benzothiazole-1,1-dioxide ("probonazole");  
 $\mu$ -[2-(4-chlorophenyl)ethyl]-- $\mu$ -(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol, ("tebuconazol");  
1-[[3-(2-chlorophenyl)-2--(4-fluorophenyl)oxiran-2-yl]methyl]-1H-1,2,4-triazole, ("epoxyconazol");  
 $\mu$ -(4-chlorophenyl)-- $\mu$ -(1-cyclopropylethyl)--1H-1,2,4-triazole--1-ethanol, ("cyproconazol");  
5-(4-chlorobenzyl)--2,2-dimethyl-1--(1H-1,2,4-triazol-1-ylmethyl)-cyclopentanol, ("metconazol");  
2-(2,4-dichlorophenyl)--3-(1H-1,2,4-triazol-1-yl)-propyl--1,1,2,2-tetrafluoroethyl-ether, ("tetraconazol");  
methyl-(E)-2-{2-[6-(2-cyanophenoxy)pyrimidin--4-yloxy]phenyl}--3-methoxyacrylate, ("ICI A 5504", "azoxystrobin");  
methyl-(E)--2-methoximino--2-[ $\mu$ -(o-tolyloxy)--o-tolyl]acetate, ("BAS 490 F", "cresoxime methyl");  
2-(2-phenoxyphenyl)-(E)-2-methoximino--N-methylacetamide);  
[2-(2,5-dimethylphenoxyethyl)-phenyl]-(E)--2-methoximino-N-methylacetamide);  
(1R,3S/1S,3R)-2,2-dichloro--N-[(R)-1-(4-chlorophenyl)ethyl]--1-ethyl-3-methylcyclopropanecarboxamide, ("KTU 3616");  
manganese ethylenebis(dithiocarbamate)polymer-zinc complex, ("mancozeb");  
1-[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan--2-ylmethyl]--1H-1,2,4--triazole, ("propiconazole");

1-{2-[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl--1,3-dioxolan--2-ylmethyl}--1H-1,2,4--  
triazole, ("difenoconazole");  
1-[2-(2,4-dichlorophenyl)pentyl--1H-1,2,4-triazole, ("penconazole");  
cis-4-[3-(4-tert-butylphenyl)--2-methylpropyl]--2,6-dimethylmorpholine, ("fenpropimorph");  
1-[3-(4-tert-butylphenyl)--2-methylpropyl]-piperidine, ("fenpropidin");  
4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine ("cyprodinil");  
(RS)-N-(2,6-dimethylphenyl--N-(methoxyacetyl)-alanine methyl ester ("metalaxyl", "ridomil");  
(R)-N-(2,6-dimethylphenyl--N-(methoxyacetyl)-alanine methyl ester ("R-metalaxyl");  
1,2,5,6-tetrahydro--4H-pyrrolo[3,2,1-ij]quinolin-4-one ("pyroquilon"); and  
ethyl hydrogen phosphonate ("fosetyl").

58. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is either a benzothiadiazole compound, an isonicotinic acid compound, or a salicylic acid compound.

59. (Currently Amended) ~~A~~The method according to claim 58, wherein said microbicide is a benzothiadiazole compound.

62. (Currently Amended) ~~A~~The method according to claim 59, wherein said benzothiadiazole compound is benzo(1,2,3)thiadiazole-7-carbothioic acid *S*-methyl ester.

68. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)acryloyl]morpholine ("dimethomorph").

69. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 5-methyl-1,2,4-triazolo[3,4-b][1,3]benzothiazole ("tricyclazole").

70. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 3-allyloxy-1,2-benzothiazole-1,1-dioxide ("probonazole").

71. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is  $\mu$ -[2-(4-chlorophenyl)ethyl]-- $\mu$ -(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol ("tebuconazol").

72. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 1-[[3-(2-chlorophenyl)-2--(4-fluorophenyl)oxiran-2-yl]methyl]-1H-1,2,4-triazole ("epoxyconazol").

73. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is  $\mu$ -(4-chlorophenyl)-- $\mu$ -(1-cyclopropylethyl)--1H-1,2,4-triazole--1-ethanol ("cyproconazol").

74. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 5-(4-chlorobenzyl)--2,2-dimethyl-1--(1H-1,2,4-triazol-1--ylmethyl)-cyclopentanol ("metconazol").

75. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 2-(2,4-dichlorophenyl)--3-(1H-1,2,4-triazol-1-yl)-propyl--1,1,2,2-tetrafluoroethyl-ether ("tetraconazol").

76. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is methyl-(E)-2-{2-[6-(2-cyanophenoxy)pyrimidin--4-yloxy]phenyl}--3-methoxyacrylate ("ICI A 5504", "azoxystrobin").

77. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is methyl-(E)--2-methoximino--2-[ $\mu$ -(o-tolyloxy)--o-tolyl]acetate ("BAS 490 F", "cresoxime methyl").

78. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 2-(2-phenoxyphenyl)-(E)-2-methoximino--N-methylacetamide.

79. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is [2-(2,5-dimethylphenoxyethyl)-phenyl]-(E)--2-methoximino-N-methylacetamide.

80. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is (1R,3S/1S,3R)-2,2-dichloro--N-[(R)-1-(4-chlorophenyl)ethyl]--1-ethyl-3-methylcyclopropanecarboxamide ("KTU 3616").

81. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is manganese ethylenebis(dithiocarbamate)polymer-zinc complex ("mancozeb").

82. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 1-[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan--2-ylmethyl]--1H-1,2,4--triazole ("propiconazole").

83. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 1-{2-[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl--1,3-dioxolan--2-ylmethy l)--1H-1,2,4--triazole ("difenoconazole").

84. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 1-[2-(2,4-dichlorophenyl)pentyl--1H-1,2,4-triazole ("penconazole").

85. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is cis-4-[3-(4-tert-butylphenyl)--2-methylpropyl]--2,6-dimethylmorpholine ("fenpropimorph").

86. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 1-[3-(4-tert-butylphenyl)--2-methylpropyl]-piperidine ("fenpropidin").

87. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine ("cyprodinil").

88. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is (RS)-N-(2,6-dimethylphenyl)-N-(methoxyacetyl)-alanine methyl ester ("metalaxyl", "ridomil").

89. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is (R)-N-(2,6-dimethylphenyl)-N-(methoxyacetyl)-alanine methyl ester ("R-metalaxyl").

90. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is 1,2,5,6-tetrahydro--4H-pyrrolo[3,2,1-ij]quinolin-4-one ("pyroquilon").

91. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is ethyl hydrogen phosphonate ("fosetyl").

92. (Currently Amended) ~~A~~The method according to claim 1, wherein said microbicide is copper hydroxide.

93. (Currently Amended) ~~A~~The method according to claim 1, wherein said plant is selected from the group consisting of: barley, cucumber, tobacco, rice, ~~chili~~, wheat, banana, and tomato.